

COMPLAINT LOG – CAMPAIGN and POLITICAL FINANCE (CPF)

Michael S. Williams, Director & Chief Judge
 Colorado Office of Administrative Courts
 633 17th Street, Suite 1300
 Denver, CO 80202
 (303) 866-2000

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
1.	1/28/00	1/28/00	Cheryl St. John	Arvada City Council	Alleged violations of the FCPA: Alleges local government entity expended public funds to influence vote on a particular ballot issue	OS 2000-1	9/20/00 – Agency Decision Granting Respondent's Renewed Motion To Dismiss: because Complaint fails to state a claim upon which relief may be granted under the FCPA, action dismissed 10/20/01 – Complaint dismissed 10/26/01 – Summons re: Amended and supplemented complaint received. Case no. 2000-CV-6953
2.	6/28/00	7/17/00	Wendy Semin	Edwina Treybig, Littleton Prep Charter School Governing Board	Alleged violations of the FCPA: Violations of Sec. 1-45-117(1)(a)(I) C.R.S. (2000) – paying for and distributing fliers urging parents of students to take a position regarding legislation pending before General Assembly	OS 2000-2	10/19/00 – Complaint fails to state a claim upon which relief may be granted under the FCPA, therefore it is Agency Decision that action be dismissed
3.	7/21/00	7/21/00	Martha Hill Kreutz	Citizen's Victory Fund Inc – Frank L. Hays III, Agent	Alleged violations of the FCPA: violations of Section 1-45-101 et seq., C.R.S. (2000) ("the Act")	OS 2000-3	12/8/00 – Respondent's Motion for summary judgment granted. Complaint dismissed. 1/8/01 – Complaint for Judicial Review received, Case No. 01CV0063 submitted by plaintiff. 2/13/01 – Appeal to Dist Court dismissed.
4.	7/24/00		William Diones	S. Suburban Park & Rec Dist	Arapahoe Citizens for Self-Determination S. Suburban Park & Recreation Dist Contributions	Unclear if valid FCPA complaint. SOS requests clarification from Complainant via letter	
5.	7/25/00		Herbert Phillips Greenwood Village City Atty	Proponents for The City of Centennial	City of Centennial Petition to Arapahoe County Dist Court appoint election commissioners for a vote	Unclear if valid FCPA complaint.	
6.	7/27/00	7/29/00	Scott McKay, State Representative	Committee to Elect Gene Motta	Alleged Violations of the FCPA: Failure to report contributions, expenditures as required	OS 20004	4/4/01 – Agency Decision- Respondent violated CRS 1-45-108(1), 1-45-105.3(8). Respondent did not violate 1-45-105.3 (10).

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7.	7/31/00	8/1/00	Dana P. Hlavac	Frank Ruybalid	Alleged violations of the FCPA: Failure to file timely reports of contributions to and expenditures by a candidate committee; accepting contributions before registering as a candidate committee	OS 20005 Court of Appeals No. 01CA0381 Supreme Court No. 02SC705	1/5/01 ALJ – Respondent violated CRS Sec 1-45-108(1), (2), failed to make timely reports of expenditure 5/1/00 to 7/27/00, fined \$10/day for 87 days. Also violated Sec 1-45-108(3), accepted contributions 20 days before registering to candidate committee, fined \$10/day and pay SOS \$1,070. 8/29/02: CO Court of Appeals affirmed order of ALJ. Hlavac v. Davidson, Court of Appeals No. 01CA0381, 2002 Colo. App. LEXIS 1535. (Administrative law judge properly concluded that a candidate violated the requirements of the Colorado Fair Campaign Practices Act; candidate's and his campaign committee's contributions and expenditures were bound by Act's reporting requirements.) 3/17/03: CO Supreme Court denied Petition for Writ of Certiorari en banc. Ruybalid v. Davidson, Case No. 02SC705. (Justice Coats would grant as to the following issue: Whether expenditures from personal resources on a candidate's own campaign are implicitly or contextually included in the reporting requirements in the Colorado Fair Campaign Practices Act.)
8.	9/1/00	9/5/00	James M. Nelms	Brighton City Council	Alleged violations of the FCPA: Use of public funds to influence votes on a ballot issue	OS 2000-6	11/16/00 Order of Dismissal.
9.	9/11/00	9/13/00	Douglas Campbell	Colorado Fiscal Policy Institute	Alleged violations of the FCPA: Failure to register as an issue committee before distributing campaign literature.	OS 2000-7	10/23/00 Order of Dismissal- DOAH received a letter from Complainant stating that he wishes to withdraw his complaint against Respondent
10.	9/11/00	9/13/00	Wallace J. Alspach	Heather Gardens Metropolitan District	Alleged violations of the FCPA: metropolitan district distributed political newsletter and expended public funds to influence vote on a specific ballot initiative	OS 2000-9	10/10/00- Petitioner submits letter to DOAH requesting withdrawal of Complaint 10/14/00- Order of Dismissal
11.	9/11/00	9/13/00	Douglas Bruce	James Mullen and Does I-X	Alleged violations of the FCPA: Municipal authority expended public funds to influence vote on state-wide ballot proposal	OS 2000-8	10/31/00 – Agency Decision: City of Colorado Springs, through Respondent Mullen, violated Sec. 117(1)(a)(I), CRS (2000) however Act provides no sanction for violation of Section 117 by a governmental agency.
12.	9/29/00		"John Q. Public"	Michael Ireland Sheriff Robert Braudis	Alleged violations of the FCPA		
13.	10/11/00	10/11/00	Dave Pearson	Jefferson County School Dist R-1.	Alleged violations of the FCPA	OS 2000-11	11/14/00 – Petitioner requests Complaint be dismissed 11/21/00 – Order of Dismissal

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14.	10/12/00	10/13/00	Charles W. Carter	Rob Fairbank	Alleged violations of the FCPA	OS 2000-14	1/18/01– Order of Dismissal and Agency Decision- on 1/2/01 the parties filed Stipulation of Dismissal Without Prejudice in matter
15.	10/16/00	10/17/00	Bob Beauprez on behalf of Colo Re- publican Committee	Jared Polis, Mike Feeley, Ed Perlmutter, Stan Matsunaka	Alleged violations of the FCPA	OS 2000-13	1/10/01– Petitioner submits Uncontested Withdrawal of Complaint 1/12/01– Order of Dismissal
16.	10/16/00	10/18/00	Anthony Leffert, Chairman- Jefferson County Democratic Party	Bill Crane, Republican Candidate	Alleged violations of the FCPA	OS 2000-12	1/3/01– Petitioner withdraws Complaint 1/16/01– Order of Dismissal and Agency Decision
17.	10/19/00	NA	Richard Daily	Taxcut 2000, Douglas Bruce, Registered Agent for Taxcut 2000	Alleged violations of the FCPA	Complaint incomplete per Rule 26.3- required information missing. Complainant notified 10/20/00	
18.	10/18/00	10/20/00	Sharron Klein on behalf of Denver Democratic Party	John Gonce, HD 1 candidate	Alleged violations of FCPA: Failure to report contributions, expenditures and obligations pursuant to Sec. 1-45-108(1)(a), CRS of FCPA	OS 2000-15	4/13/01 – Agency Decision- Complainant Klein failed to prove a violation of the FCPA by Respondent Gonce
19.	10/20/00	10/31/00	Elise Jones on behalf of Coloradans for Responsible Growth	Coloradans for Responsible Reform	Alleged violations of the FCPA	OS 2000-18	1/18/01 – Order of Dismissal and Agency Decision: on 12/18/00 Respondents filed Motion to Dismiss; on 1/10/01 Petitioner called DOAH stated that Petitioner no longer wants to pursue the action.
20.	10/24/00	10/24/00	Carolyn Wyckoff	Americans for Gun Safety, AGS Action Fund, Tides Foundation, Andrew McKelvey, Jonathan Cowan, Scott Reed	Alleged violations of the FCPA	OS 2000-16	12/14/00 – Petitioner submits Withdrawal of Complaint 12/15/00 – Order of Dismissal.
21.	10/24/00		Lisa Larsen	Children First! Issue Committee	Alleged violations of the FCPA	Complaint incomplete per Rule 26.3, request to petitioner to provide required info	

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22.	10/25/00	10/26/00	Karen Teja	Friends of Dave Schultheis	Alleged violations of the FCPA	OS 2000-17	1/26/01– Order of Dismissal- on 1/22/00 Petitioner filed notice of withdrawal of the complaint, matter dismissed
23.	10/30/00	11/1/00	Steve Welchert	Fund for Colorado's Future, Rob Fairbank, Registered Agent	Alleged violations of the FCPA: Failure to comply with disclosure and reporting requirements	OS 2000-19	8/21/01– Order Re: Respondent's Motion for Summary Judgment- there is no genuine issue of material fact for trial. Respondent has made a convincing showing that genuine issues are lacking. Complainant has failed to demonstrate by relevant and specific facts that a real controversy exists with respect to the allegations of the original complaint...
24.	11/7/00	11/7/00	John Conger	Kenneth Gordon Joyce Foster	Alleged violations of the FCPA	OS 2000-20	2/1/01– Final Agency Decision Dismissing Complaint for Failure to Prosecute- Claimant's failure to keep SOS or DOAH advised of his proper mailing address and his failure to inquire about status of his Complaint after more than 60 days from filing date demonstrate lack of interest in prosecuting complaint; therefore ALJ orders that complaint has been abandoned and that it is dismissed.
25.	12/4/00		Committee "Don't Perfume a Pig" Deborah Bishop, Edith Bryan, Kathy Knobel, Alexander Kunzer, Robin Sharp, Carmen Torres, Dorothy Wisecarver	The City of Lakewood	Alleged violations of the FCPA	Complaint incomplete per Rule 26.3.	12/04/00 – M. Watkins requests additional information from E. Bryan
26.	12/6/00	12/14/00	Sumner Sargent	The Carol McFarland Campaign	Alleged violations of the FCPA	OS 2000-22	4/25/01– Order of Dismissal- on Complainant's notice of withdrawal of his complaint filed in the matter.
27.	12/7/00	12/12/00	Alfred Dietsch, Germaine Kresser Dietsch	Committee to Recall Mick Ireland	Alleged violations of the FCPA	OS 2000-21	5/14/01– Agency Decision and Order of Dismissal, based on Petitioners' and Respondent's Motion to Vacate Hearing and Dismiss With Prejudice.
28.	1/22/01	1/23/01	David Spreccace	Citizens for Law Abiding Politicians	Alleged violations of the FCPA: Failure to comply with contribution requirements	OS 2001-001	6/4/01– Order Dismissing Appeal Without Prejudice

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29.	2/12/01	2/12/01	Colorado Common Cause, Pete Maysmith, Exec. Dir. Of CCC	Mike Coffman, State Treasurer	Alleged violations of the FCPA: Expenditure of public moneys to oppose state-wide ballot issue	OS 2001-002 Court of Appeals No. 01CA1709	<p>5/7/01– ALJ Order- Complainant’s motion for summary judgment granted in part, denied in part. As matter of law, Treasurer not authorized to use public resources exceeding \$50 to urge electorate to vote against Amendment 23. Hearing will address whether Treasurer’s actions met two exceptions, (1) the \$50 exception of 117(1)(a)(II) and (2) the “resolution or position of advocacy” exception of 117(1)(b)(III).</p> <p>8/3/01– ALJ Decision- Respondent violated 117 by using more than \$50 of public funds in opposing Amendment 23 and such conduct was not authorized by 117(1)(b)(III); Coffman to pay SOS civil penalty of \$334.92.</p> <p>3/27/03 – Court of Appeals affirmed. Treasurer violated FCPA by expending more than \$50 of public funds in urging voters to defeat Amendment 23. Case No. 01CA1709. Opinion Summary: The November 2000 election included a statewide ballot initiative, known as Amendment 23. Coffman criticized, urged the defeat of amendment at press conference and in three press releases, which were prepared and issued during official work hours and through use of public funds. Coffman’s press releases were not a balanced factual summary, but constituted a conclusion or opinion, so are subject to spending limitations of the statute. The press releases did not constitute the passing of a resolution, and did not constitute the taking of a position of advocacy on the ballot measure. The ALJ properly found that Coffman violated the Act by spending more than \$50 of public funds in urging voters to defeat Amendment 23.</p>
30.	3/12/01	3/13/01	Western Slope Libertarian Party, Tim Jacobs	City of Montrose; Montrose County; Montrose Board of County Commissioners; Montrose County Memorial Hospital	Alleged violations of the FCPA	OS 2001-007	3/26/01 – letter to ALJ from WSLP, signed by T. Jacobs, requesting complaint be withdrawn.
31.	8/29/01	8/31/01	Kathy A. Beer	City of Loveland	Alleged violations of the FCPA: Expending public funds to urge residents to vote for two city ballot issues	OS 2001-012	10/31//01 – Order Granting Motion For Summary Judgment and Agency Decision- Respondent did not violate Section 1-45-117(1)(a)(I)(B) CRS (2001) of the FCPA

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32.	10/09/01	10/10/01	Al Brophy	Bob King, Kay Mast, Harrison Education Association	Alleged violations of the FCPA	OS 2001-013	12/24/01– Agency Decision Dismissing Complaint- because Complainant failed to appear at hearing and present evidence or argument, he has abandoned his claim and failed to sustain his burden of proof.
33.	10/11/01	10/12/01	Jon Caldara	City of Idaho Springs, towns of Avon, Breckenridge, Frisco, Vail, Dillon, Eagle, Golden, Silverthorne	Alleged violations of the FCPA	OS 2001-014	1/28/02 – Agency Decision Dismissing Complaint. 2/1/02- Order Regarding Dismissal
34.	10/15/01	10/16/01	Rhoda Schneiderman	Town of Gypsum, Gypsum Town Council, Gypsum Planning Commission	Alleged violations of the FCPA: Claims article written by town council member a violation of FCPA	OS 2001-015	2/28/02 – Agency Decision- No violation of FCPA has been established in relation to article written by town council member....Complaint regarding conduct of Respondents dismissed
35.	10/23/01	10/24/01	Marian Olson	City of Golden, Golden City Manager, Clerk, Attorney, Finance Director, and City Council members	Alleged violations of the FCPA: Expenditure of public moneys to urge electors to vote against proposed charter amendment	OS 2001-016	1/16/02 – Order Granting Summary Judgment and Agency Decision; Complaint dismissed in its entirety.
36.	12/03/01	12/05/01	Jim Tatum, Las Animas County Attorney	Glenn Moltre Richard Lawler	Alleged violations of the FCPA: publicizing false newspaper advertisements; failed to register as issue or political committee	OS 2001-017	3/11/02 – Final Agency Decision Dismissing Complaint- ALJ does not have jurisdiction to conduct hearing, impose sanctions upon Respondents based on allegations set forth in Complaint
37.	12/20/01	Resubmit - 3/14/02	M. Young, R. Fabec, V. Davis, W. Potter, G. McDaniel	Glenn Moltre Richard Lawler James Turner	Alleged violations of the FCPA	OS 2002-002	6/6/02 – Order of Dismissal
38.	3/27/02	3/29/02	John Knezovich	Dudley Brown	Alleged violations of the FCPA	OS 2002-003	5/24/02 – Final Agency Order and Order of Dismissal- based on the failure of Complainant to respond to the Order to Show Cause, the ALJ deems that there is no objection to dismissing the complaint in this matter; accordingly, it is hereby ordered matter dismissed.

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39.	4/24/02	4/25/02	Glenn Moltre Richard Lawler	Citizens United For A Positive Government, Mark Young, Robert Fabec, V. James Davis, William B. Potter, Gerald B. McDaniel, Mark Ritz	Alleged violations of the FCPA	OS 2002-004	5/17/02 – Order Granting Complainants' Motion to Dismiss M. Young, R. Fabec, V. James Davis, W. Potter, G. McDaniel as Respondents 5/23/02- Second Order Granting Complainants' Motion to Dismiss
40.	5/2/02	5/3/02	Thomas Graham	The North Jeffco Parks & Recreation District, Lawrence R. McGinly, Bob West, Janice G. Eckhardt, Robert S. Loveridge, Carolyn Jacobs	Alleged violations of the FCPA	OS 2002-005	7/2/02 – Order of Dismissal
41.	5/7/02	5/8/02	Jason Pavlovic	St. Mary's Property Owner's Association Board of Directors: C.J. Galbraith, Gloria Bowman, Karen Wedding, Cathy Harper, Anthony Ramsey, Cory Camallieri, Julie Flaherty	Alleged violations of the FCPA: political message disclosures, expenditures; failure to register as political committee, expenditure disclosures	OS 2002-006	8/7/02 – Order Granting Summary Judgment and Agency Decision- violations asserted by the Complainant cannot be established. Complaint dismissed.
42.	6/11/02	6/17/02	Sharon Schoening	Intercanyon Fire Protection District Board of Directors, Robert Chamberlain, Richard M. Barnes, Dianna Roder	Alleged violations of the FCPA: Violations of FCPA pursuant to Sec. 1-45-111(2), C.R.S.	OS 2002-007	7/30/02 – Complaint dismissed in its entirety. Complaint in matter filed pursuant to Sec. 1-45-111(2), C.R.S., which authorizes the filing of complaints with the Sec. Of State alleging violations of certain provisions of the FCPA. A review of the violations listed, however, shows that none of the four grievances raised by Complainant can be characterized as a violation of these enumerated provisions of the FCPA.

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43.	7/15/02	7/15/02	Maynard, Alison	Attorney General Ken Salazar, Citizens for Ken Salazar, Inc., Chris Romer; The Coca-Cola Co.; Multimedia Holdings Corp.	Alleged violations of the FCPA: Failure to report campaign contributions, expenditures; contribution amount exceeds limits; failure to report contributions in kind	OS 2002-009	10/15/02 – Agency Decision- Respondents have not violated FCPA, Amended Complaint dismissed in its entirety
44.	8/1/02	7/30/02	Pleasant, Tim W.	The Conservative Fund, Norma Anderson, Kelly Weist	Alleged violations of the FCPA: Failure to give required notice of independent expenditure in excess of \$1,000; failure to make required disclosure; failure to register as candidate committee or political committee; failure to report contributions and expenditures	OS 2002-010	10/25/02 – Order Granting Respondents' Motion to Dismiss Granted, Complaint Dismissed- respondents' activities described in Complaint are not subject to regulation under the FCPA, the Complainant can prove no set of facts that would entitle him to relief
45.	8/14/02	8/15/02	Duran, Thomas F.	Bill Thiebaut, Billy Thiebaut, Campaign Manager for Senator Bill Thiebaut	Alleged violations of the FCPA	OS-2002-011	10/24/02 – Final Agency Order and Order of Dismissal- Complainant requests withdrawal of Complaint
46.	8/20/02	8/21/02	Muller, Michael	Steve Burkholder	Alleged violations of the FCPA: Use of public funds/resources to endorse a political candidate	OS 2002-012	12/9/02 – Agency Decision- by issuing a letter of support for Sam Zakhem's candidacy on City of Lakewood stationery and with City personnel assistance, Mayor Burkholder expended public funds to support a candidate's campaign for nomination to public office and made a contribution in a campaign involving the nomination of a person to public office, as prohibited by Section 1-45-117(1)(a)(I), C.R.S. (2002)
47.	9/6/02	9/26/02	Bowles, Richard	Jerry Bergeman, Clarke Becker, Lucile Fehn, Greg Winkler, Citizens for Better Roads, represented by Gary Cote	Alleged violations of the FCPA	OS 2002-017	9/29/03 – Final Agency Decision Dismissing Appeal: ALJ ... hereby finds and orders as follows: ... Complainant's Appeal of Rulings of Administrative Law Judge is deemed a Motion for Reconsideration of ALJ's Orders dated 6/3/03, and is denied. Complainant failed to respond to Respondent's discovery requests, that Respondents therefore filed their Motion to Compel. On 6/3/03 ALJ ordered Complainant to respond to Teller County Respondents' discovery requests within 10 days of the date of the Order... Complainant failed to comply with Order. ... Arguments presented in Complainant's Response to Respondents' Motion for Sanctions are without merit... ALJ authorized pursuant to provisions of C.R.C.P. 37(b)(2)(C) to enter an order dismissing an action where a party fails to obey an order to provide discovery... Accordingly, matter dismissed with prejudice.

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48.	9/23/02	9/26/02	Philp, Alan	Liane "Buffie" McFadyen, the McFadyen 2002 Campaign Committee; Chris Munoz, Committee treasurer	Alleged violations of the FCPA	OS 2002-016	11/8/02 – Final Agency Order and Order of Dismissal- Complainant requests withdrawal of Complaint
49.	10/2/02	10/3/02	Fox, Paul	Clyde Spero, Judith Kahle, Helen Hill, Jeanie Reeser	Alleged violations of the FCPA	OS 2002-018	1/14/03 – Final Agency Order and Order of Dismissal- parties have reached a Stipulation, which resolves issues raised by Complaint
50.	10/2/02	10/7/02	Skruch, Kevin	Highlands Ranch Metropolitan Districts 1 – 5 (Jay Sage, Terry Nolan)	Alleged violations of the FCPA: Expenditure of public funds to influence vote on local ballot issue	OS 2002-019 Court of Appeals No. 03CA1332	5/27/03 – Agency Decision- Respondents expended public money to urge voters to support local ballot issue, constituting violation of Section 1-45-117(1)(a)(I)(B), C.R.S.; ALJ imposes fine of \$300 against Metro Districts to be paid to the Secretary of State 7/10/03 – Notice of Appeal filed with Court Appeals on behalf of Highlands Ranch Metropolitan District Nos. 3 and 4 10/28/03 – Post Decision Order... to the extent the ALJ retains any jurisdiction in this matter following appeal to the Court of Appeals, the ALJ dismisses the Motion for Contempt and the Motion for Approval of Supersedeas Bond. The ALJ returns the \$400 check to the Metro Districts. 11/26/03 – Colorado Court of Appeals Case No. 03CA1332- Opening Brief filed by Highlands Ranch Metropolitan District Nos. 3 and 4, Appellants. 12/30/04 – Court of Appeals affirmed decision of ALJ. Court agreed with ALJ that (1) the brochure urged electors to vote for the ballot issue (and there need not be words of express advocacy), (2) statutory definition of "expenditure" did not apply to metro district boards, (3) "expenditure" occurred when a payment is made <u>and</u> when there is a contractual agreement and the amount is determined, and (4) brochure urged passage of initiative even though contents of initiative were not determined until after brochure was mailed. 2/3/05 – Received via fax- Copy of agency decision and proof of \$300.00 check to pay SOS for fine.
51.	9/23/02	10/10/02	Darnell, Jack	A. Wong Hsu, H. Rich, D. Pohill, C. Baker	Alleged violations of the FCPA: Violations of FCPA Sec. 45-105.3 (8), 1-45-108, Rule 26	OS 2002-020	1/13/03 – Order Granting Respondents' Motion To Dismiss and Agency Decision- Complainant has failed to state a claim upon which relief can be granted

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52.	10/11/02	10/15/02	Sampron, Robert J. F.	Citizens for Norma Anderson, N. Anderson, K. Grebe, P. Kirchoff (Qwest Colorado PAC), Vanatta, Sullan, Sandgrund & Sullan, PC	Alleged violations of the FCPA: Contribution amounts exceed stipulated limits	OS 2002-021	11/12/02 – Final Agency Decision and Order of Dismissal- for failure to prosecute this matter
53.	10/14/02	10/15/02	A. Maynard	K. Salazar, Citizens for K. Salazar, Inc., G. Reiff, R. Reiter, The Tyson Organization	Alleged violations of the FCPA	OS 2002-022	1/22/03 – Final Agency Order and Order of Dismissal- based on Stipulated Motion to Dismiss in which parties stipulate to the dismissal of Complaint
54.	10/17/02	10/22/02	Mac Williams	Mesa County Citizens for Representative Government	Alleged violations of the FCPA: Failure to comply with reporting and disclosure requirements	OS 2002-023	3/27/03 – Agency Decision that MCCRG failed to comply with Sec. 108(1)(a) of the FCPA in its 10/11/02 report of a \$5,000 contribution, but did not otherwise violate the FCPA; no sanction is authorized by the FCPA for this violation.
55.	10/21/02	10/23/02	H. Shroyer	H. Hill, C. Spero	Alleged violations of the FCPA: Expending public funds to endorse a candidate for public office	OS 2002-024	4/11/03 – Agency Decision; because Complainant has failed to establish that Respondents violated provisions of the FCPA in connection with Spero endorsement letter; matter dismissed.
56.	10/22/02	10/23/02	Charles W. Carter	The Committee To Elect Rob Fairbank, the Fund For Colorado's Future	Alleged violations of the FCPA: Non-compliance with disclosure requirements for independent expenditures, contribution limits, and registration information requirements	OS 2002-025	2/26/03 – Agency Decision that neither the Fund for Colorado's Future nor the Committee to Elect Rob Fairbank violated the Fair Campaign Practices Act and that the complaints in OS 2002-025 and OS 2002-029 are dismissed in their entirety
57.		10/24/02	John O. Ross	Kathy Connell, Paul Hughes	Alleged violations of the FCPA	OS 2002-026	1/14/03 – Final Agency Decision and Order of Dismissal- Complainant requests withdrawal of complaint
58.	10/24/02	10/30/02	Lane Mills	Montrose County	Alleged violations of the FCPA	OS 2002-028	11/15/02 – Final Agency Order and Order of Dismissal- Complainant requests withdrawal of complaint
59.	10/29/02	10/30/02	Charles W. Carter	The Committee To Elect Rob Fairbank, the Fund For Colorado's Future	Alleged violations of the FCPA: Non-compliance with disclosure requirements for independent expenditures, contribution limits, and registration information requirements	OS 2002-029	2/26/03 – Agency Decision that neither the Fund for Colorado's Future nor the Committee to Elect Rob Fairbank violated the Fair Campaign Practices Act and that the complaints in OS 2002-025 and OS 2002-029 dismissed in their entirety

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60.	10/29/02	12/27/02	Charles Bucknam	John Evans, Citizens for John Evans	Alleged violations of the FCPA: Failure to file timely reports of contributions	OS-2002-032	3/17/03 – Agency Decision that Citizens for John Evans violated the FCPA, Sec. 1-45-108(2.5), C.R.S., by failing to file reports with the SOS within 24 hours of receipt of three contributions of \$1,000, \$1,500, and \$1,000 received respectively from American Family Insurance, Colorado Realtors PAC and Colorado Medical Society PAC.
61.	10/30/02	10/30/02	Rob Fairbank	Charles W. Carter	Alleged violations of the FCPA: Failure to timely report campaign contribution	OS 2002-027 In the matter of the Complaint filed by Rob Fairbank regarding alleged violations of the FCPA on the part of The Committee To Elect Charles W. Carter	2/26/03 – Agency Decision that the Committee to Elect Charles W. Carter violated the Fair Campaign Practices Act, Section 1-45-108(2.5), C.R.S., by failing to file a report of its \$1,000 contribution from CWA Local 7777 with the Secretary of State within 24 hours of receipt of this contribution on October 15, 2002
62.	11/4/02	11/4/02	Britta Singer	James Murphy, The Committee to Elect Jim Murphy	Alleged violations of the FCPA	OS 2002-030	2/28/03 – Corrected Final Agency Order and Order of Dismissal- based on Stipulation for Dismissal with Prejudice in which both parties agree to dismissal of complaint
63.	11/26/02	12/3/02	Mac Williams	"Friends of Ron Teck," candidate committee; Ron Teck	Alleged violations of the FCPA: Failure to comply with expenditure, disclosure, contribution requirements	OS 2002-031	9/9/03 – Agency Decision Granting Summary Judgment - Respondents' have established that there are no genuine issues as to any material facts and that they are entitled to judgment as a matter of law.
64.	1/22/03	1/24/03	Mac Williams	Grand Junction Area Realtors Assoc., aka Mesa County Board of Realtors; Colorado Assoc. of Realtors, and Colorado Assoc. of Realtors, Issues Political Action Committee	Alleged CPF violations: Failure to comply with disclosure, registration requirements, etc.	OS 2003-001	6/20/03 – Agency Decision Granting Motion for Summary Judgment and Motion To Dismiss For Failure To Submit Pre-Hearing Statement 8/7/03- Order Denying Motion for Award of Attorneys' Fees and Denying Award of Costs
65.	2/11/03	2/18/03	Hal Shroyer	Helen Hill, Judith Kahle, Jeannie Reeser	Alleged CPF violations	OS 2003-002	4/16/03 – Final Agency Order and Order of Dismissal- parties have reached a Stipulation, which resolves the issues raised by the Complaint

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
66.	2/13/03	2/19/03	Vicki Johnson	Sheridan 2002 Recall Committee represented by Mary Carter and Chanele Beacham	Alleged CPF violations: Failure to report contributions as required by the FCPA; violations of certain provisions of the FCPA, Section 1-45-101 et seq., C.R.S. (2002)	OS 2003-003	5/27/03 – Agency Decision- Complainant has failed to prove that Respondents have violated Section 108(1)(a) of the FCPA; Complaint dismissed.
67.	3/21/03	3/21/03	Douglas Bruce	Lorne Kramer, Kathryn Young, Michael Anderson, Patricia Kelly; Colorado Springs City Council, City of Colorado Springs, Does I- X	Alleged CPF violations: Expenditure of public moneys to influence vote on local ballot issue	OS 2003-005	7/22/03 – Agency Decision- Complainant failed to establish the City of Colorado Springs or the Colorado Springs Council committed any violation of Section 1-45-117(1)(a)(I)(B), C.R.S. (2002) of the FCPA in connection with the City's use of public funds to produce and distribute the Issue 1A Factual Summary.
68.	3/25/03	3/26/03	Charles Bucknam	Ted Harvey, Committee to Elect Ted Harvey	Alleged CPF violations: Failure to timely report campaign contribution	OS 2003-006	6/4/03 – Final Agency Order and Order of Dismissal- parties have stipulated to the dismissal of all claims asserted in the matter.
69.	6/30/03	7/3/03	Susan Berzac	Ken Chlouber; Committee to Elect Ken Chlouber; Qwest Communications; Automatic Data Processing	Alleged CPF violations: Failure to comply with contribution limits	OS 2003-011	7/21/03 – Final Agency Decision and Order of Dismissal- By stipulation of the parties the complaint is dismissed with prejudice as to Qwest and Automatic Data Processing; and to Ken Chlouber and The Committee to Elect Ken Chlouber to the extent that the complaint relates to contributions by Qwest and ADP; by stipulation of the parties the complaint is dismissed without prejudice as to Ken Chlouber and The Committee to Elect Ken Chlouber as to the allegations related to \$1,257.59 in non-itemized contributions.
70.	7/2/03	7/3/03	Susan Berzac	Tom Wiens; Tom Wiens for State House District 45, candidate committee; Centennial Printing	Alleged CPF violations: Failure to comply with contribution limits	OS 2003-010	8/5/03 – Final Agency Order and Order of Dismissal- on Stipulation to Dismiss With Prejudice in which parties stipulate to dismissal with prejudice of the Complaint in this matter.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
71.	7/3/03	7/7/03	Charles Bucknam	Governor Bill Owens; Citizens for Bill Owens	Alleged CPF violations: Failure to comply with contribution limits	OS 2003-009	7/28/03 – Order Granting Motion to Dismiss- ... Hearings are to be held pursuant to Section 24-4-105, C.R.S. Section 24-4-105(2)(a), C.R.S. Any person entitled to notice of a hearing shall be given timely notice <i>of the nature thereof. Id.</i> In response to new information, the Complainant attempts to use old complaint to allege an entirely new theory. This does not provide adequate notice and is not permitted. The oral motion to dismiss made at hearing is granted. 8/18/03 – Supplement to Order Granting Motion To Dismiss
72.	7/22/03	7/24/03	Charles Bucknam	Governor Bill Owens, Citizens for Bill Owens, Lt. Governor Jane Norton, Friends of Jane Norton	Alleged CPF violations	OS 2003-012	9/18/03 – Order For Dismissal With Prejudice of Petitioner's Complaint
73.	8/25/03	8/27/03	Martin Bolt	City of Littleton; Kelli Nardi, Assistant to Littleton City Manager; Julie Bower, Littleton City Clerk	Alleged CPF violations: Expenditure of public funds to influence vote on local ballot issue	OS 2003-015	9/12/03 – Agency Decision- Complaint dismissed after hearing. Section 1-45-117(1)(a)(I) did not apply to local ballot initiative to reduce and ultimately repeal City of Littleton's 1% tax on food.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
74.	9/11/03	9/12/03	Mac Williams	Ron Teck; Friends of Ron Teck, candidate committee	Alleged CPF violations: Failure to comply with contribution requirements	OS 2003-022 Court of Appeals No. 03CA2456	10/10/03 – Second Notice of Hearing- hearing scheduled for 11/4/03 10/18/03 – Third Notice of Hearing- scheduled for 11/6/03 11/20/03 – ALJ Decision that Teck and the Committee have not violated the FCPA or Article 28 of the Colorado Constitution in any respect alleged in the Amended Complaint. Complaint dismissed. Respondents granted 20 days to file request for attorney fees and costs. 1/13/04 – Order Denying Respondents' Motion for Attorney Fees and Costs 4/7/05 – ALJ decision by Colorado Court of Appeals (Case No. 03CA2456). Under Article 28, sec. 3(3)(e), Teck was not required to report unexpended campaign contributions at the end of an election cycle expressly as “contributions from a political party”. Teck legitimately could report as “contributions” funds received in December 2002, even though Teck was term-limited. Nothing in the constitution, statute, or rules “forbid the overreporting of information relevant to campaign finance”. Teck could lawfully use unexpended contributions to pay legal fees incurred in defending himself and his candidate committee against a complaint. The definition of “expenditure” does not limit the kinds of expenses that a committee may report. Teck’s candidate committee was not required to amend its registration to reflect that Teck was a candidate for federal office. The Court declines to address Williams’ contention that the ALJ should have ordered the Secretary of State to change “the forms, instructions, rules, procedures, filing and indexing systems” that candidates use, because those arguments were not raised in the agency action and because the Secretary of State has never been a party to this action.
75.	9/19/03	9/19/03	John C. Dill	Support Colorado's Economy and Environment, committee	Alleged CPF violations: Failure to report unexpended campaign contributions as contributions from a political party pursuant to Art. XXVIII, sec. 3(3)(e); use of unexpended contributions to pay for legal services in violation of uses permitted by 1-45-106(1)(b).	OS 2003-023	9/22/03 – Hearing set for 10/3/03 10/3/03 – Order Vacating Hearing and Notice of New Hearing Date – hearing rescheduled for 10/24/03 11/12/03 – Order Granting Motion to Dismiss Complaint, Order Vacating Hearing and Order for Preservation of Documents

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
76.	9/23/03 (Filed with Colorado Attorney General)	10/2/03	Allen M. "Mac" Williams	Committee to Elect Donetta Davidson and Donetta Davidson in her Official Capacity as Secretary of State	Alleged CPF violations: Failure to report unexpended campaign contributions as contributions from a political party. Alleged failure to perform official duties under Article 28, Campaign Finance Rules 26.1 and 26.2, and CRS 24-4 Part 1.	OS 2003-024 Court of Appeals No. 04CA0644	10/7/03 – Notice of Hearing – hearing scheduled for 10/17/03 10/15/03 – Order Vacating Hearing and Notice of New Hearing Date - hearing rescheduled for 11/12/03 10/28/03 – Order Denying Motion to Dismiss 11/10/03 – Order Granting Motion to Amend and Granting Motion To Continue 1/9/04 – ALJ Decision that Davidson and the Committee have not violated FCPA or Article 28 of Constitution in any respect alleged in the complaint. Complaint dismissed with prejudice. Respondents granted 20 days to file request for attorney fees and costs. 3/8/04 – Order granting request for award of attorney fees 6/30/05 – Court of Appeals dismissed Complainant's appeal and affirmed orders of ALJ. Attorney General dismissed as a party to the appeal, since Complainant did not join the AG in the administrative proceeding. In referring complaint to ALJ, AG acted properly under XXVIII, sec. 9(2)(a) & (b), which does not authorize him to conduct an investigation and permits only referring a complaint to an ALJ for hearing. Procedure followed by AG in referring the complaint to an ALJ did not violate Complainant's right to due process and equal protection. Complainant has no liberty or property right to demand an investigation beyond that authorized and required by the constitutional provision and enforcing rules. ALJ properly awarded attorney fees to Respondent. Court declined to consider Complainant's contention that ALJ erred in not considering a pattern of prejudicial conduct on the part of the Director of the Division of Administrative Hearings.
77.	10/15/03	Pending	Joseph Rouse	Perry Lorenz	Alleged CPF violations: Failure to file campaign report		Complaint incomplete – sent letter to complainant explaining process for filing a complaint, requested additional information- respondent's mailing address
78.	10/21/03	10/22/03	Thomas Graham	Bruce Roome (Citizens for a Safe Arvada); Bob Dyer, Bob Frei, Ed Thomlinson, Douglas Schneider, Joseph Domenico (Arvada Fire Protection District, Board members)	Alleged CPF violations: Failure to comply with disclosure, contribution requirements; use of public funds while engaged in campaigning activity	OS 2003-025	10/23/03 – Notice of Hearing – hearing scheduled for 11/6/03 11/6/03 – Final Agency Order and Order of Dismissal- based on Complainant's Withdrawal of Complaint 2/23/04 – Response by Thomas Graham regarding a claim in case No. OS 2003-025, Motion and Request for an Order Awarding Attorneys' Fees, Costs and Expenses 3/8/04 – Order denying motion for an award of attorneys' fees, costs and expenses

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
79.	10/27/03	10/29/03	Glenn Raleigh	Teller County Re-2 School Board (Steve Hart, Jenny Cowan, Laurie Glauth, James Turner, Janet VanOstenbridge) ; Teller County School Superintendent John Pacheco	Alleged CPF violations: Expenditure of public monies to influence vote on ballot issue	OS 2003-026	11/12/03 – Final Agency Order and Order of Dismissal based on complainant's Notice of Withdrawal of Complaint filed 11/12/03
80.	10/27/03	Pending	Terence Hall	"Vote No On A" issue committee; "Citizens For Colorado's Water, Inc." issue committee	Alleged CPF violations:		10/27/03 – complaint incomplete- faxed copy of Rules/CPF laws and letter to T. Hall requesting mailing addresses of respondents
81.	10/29/03	10/31/03	Douglas Bruce	Jose Aponte, Does I-X	Alleged CPF violations: Expenditure of public monies to influence vote on local ballot issue	OS 2003-027	11/12/03 – Final Agency Order and Order of Dismissal based on Complainant's written request that matter be dismissed without prejudice...
82.	11/3/03	11/12/03	John Dill	Wembley PLC, Wembley USA	Alleged CPF violations: Failure to report contributions	OS 2003-028	11/13/03 – Notice of Hearing – scheduled for 11/26/03 1/13/04- Final Agency Order and Order of Dismissal
83.	12/26/03	12/30/03	Becky Walker	Committee for Constitutional Rights; Paul Kendall, CFCR Registered Agent	Alleged CPF violations: Failure to timely report campaign contribution and expenditures	OS 2003-029	1/2/04 – Notice of Hearing- Hearing scheduled for 1/14/04 3/8/04 – Final Agency Order and Order of Dismissal

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
84.	2/9/04	2/12/04	Charles H. Bucknam	Douglas County Commissioner Jim Sullivan, Committee to Elect Jim Sullivan, State House District 45 Candidate James Sullivan, et. al	Alleged CPF violations: Illegal Corporate Contributions	OS 2004-001	2/19/04 – Notice of Hearing-scheduled for 2/27/04 @ 9:00 a.m. 3/29/04 – Order Denying Motion to Dismiss of Intermountain Rural Electric Association 4/19/04 – Order - Court having reviewed the Stipulation and Agreement and the Petitioner's Motion to Dismiss grants said Settlement and Agreement and dismisses the action as against Resp., Edw. C. Levy Co. with prejudice. 4/19/04 – Order - Court having reviewed the Stipulation and Agreement and the Petitioner's Motion to Dismiss grants said Settlement and Agreement and dismisses the above action as against Resp., Bradbury Properties with prejudice 5/3/04 – Order of Dismissal as to Respondent Capital Solutions Consulting, Inc. and as to certain related claims. 5-19-04 – Agency Decision-ALJ found Sullivan and Committee violated SOS Rule 4.10, 8 CCR 1505-6 (failing to return unlawful corp. contributions w/in 30 days) and Resp. were ordered to pay civil penalties, Ray S. Wells Corp.-\$500, Plan West-\$2000, Land Title-\$2000, Natural Balance \$1000. 5/19/04 – Rcvd 1,000 payment for settlement and agreement against Natural Balance, Inc. 5/20/04 – Rcvd copy of \$1,500 payment for settlement and agreement against Edw. C. Levy Co. 1/15/05: ALJ decision in related case, OS 2004-0015 (appeal of penalty imposed by clerk and recorder).
85.	3/2/04		W.A. Dreiling	Heather Gardens Metropolitan District	Alleged CPF violations:		3/5/04 – Complaint not clear, mailed CPF packet & letter explaining process

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
86.	3/3/04	3/5/04	William S. Simpson	Baroch for Mayor, Committee to Elect Karen Oxman, Committee to Elect Dave Shuey, George W. Part Estate, Inc., and Golden Good Government League	Alleged Campaign and Political Finance Violations	OS 2004-002 Court of Appeals No. 04CA1744	3/8/04 – Notice of Hearing scheduled 3-17-04 @ 9:00 am 5-27-04 Agency decision: Complaint dismissed. Since City of Golden is a home rule city and since it adopted ordinance that addresses matters covered by Article 28 and FCPA, then Article 28 and the FCPA do not apply to Golden per sec. 1-45-116 and Rule 7.1. City's adoption of 2001 version of FCPA cannot grant enforcement powers to Secretary of State. Respondents' request for attorney fees based on alleged frivolous and groundless complaint cannot be based on section 13-17-101 and –102, since admin. Proceedings are not in "courts or record", nor on section 13-16-107, which does not apply to admin. Proceedings; ALJ finds that no sanction is appropriate under C.R.C.P. Rule 11. 6/14/04 – Simpson filed motion for new hearing or amendment of findings and judgment with ALJ. 7/14/04 – ALJ issued order denying new hearing. 8/31/04 – Notice of appeal, William A. Simpson appeals from the Agency Decision to Court of Appeals, Case No. 04CA1744. 9/8/04 – Motion to dismiss appeal filed with Ct. of Appeals by Golden Good Government League. 11/26/04 – Court of Appeals denied Simpson Petition for Rehearing. 12/22/04 – Petition for certiorari filed by Simpson with Supreme Court to review decision of Court of Appeals. 3/21/05 – Petition for writ of certiorari denied by Supreme Court en banc. 4/6/05 – Petitioner's Motion for Reconsideration denied by Supreme Court.
87.	4/8/04	4/8/04	Charles K Mayfield	Silver Creek Water and Sanitation District	Alleged Campaign and Political Finance Violations	OS 2004-003	4/15/04 – Notice of Hearing scheduled for 4/22/04 @ 9:00 am 5/5/04 – Agency Decision-the complaint in this matter is dismissed
88.	4/6/04	4/8/04	Charles H. Bucknam	Tom Wiens, Tom Wiens for State Senate, and Helen E. Kreible	Alleged Campaign and Political Finance Violations	OS 2004-004	4-15-04 – Notice of Hearing scheduled for 4-23-04 @ 9:00 am 4/26/04 – Final Agency order and Order of Dismissal
89.	5/3/04	5/5/04	Mac Williams	Dan Wilkenson & Friends of Dan Wilkenson	Alleged Campaign and Political Finance Violations	OS 2004-005	5/12/04 – Notice of Hearing scheduled for May 20, 2004 @ 9:00 a.m. 5/21/04 – Final Agency Order and Order of Dismissal, Complainant withdrew complaint

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
90.	6/4/04	6/8/04	Reta McNutt	Kathy Rodeman aka Cargo Rodeman, Stephen Beven aka Spike Beven, William Paxton, and Karen Halterman	Alleged Campaign and Political Finance Violations	OS 2004-0006	7/23/04 – Notice of hearing scheduled for Aug 3, 2004 @ 9:00 a.m. 8/16/04 – Final Agency Order and Order of Dismissal. Based on Complainant's Withdrawal of Complaint and a review of the case file it is ordered that this case is dismissed
91.	6/30/04	7/1/04	Charles H. Bucknam	Jeff Wasden, Committee to Elect Jeff Wasden and Front Range Window & Door, Inc.	Alleged Campaign and Political Finance Violations	OS 2004-0009	7/2/04 – Notice of Hearing scheduled for July 15, 2004 @ 9:00 a.m. 8/11/04 – Agency Decision: Resp. Front Range's \$250 contribution to Resp. Committee for candidate for local office violated the prohibition in Art. 28 sec. 3(4)(a) on corporate contributions. Contribution was made in good faith, though, mistaken belief that contribution was lawful; Front Range therefore ordered to pay minimum allowable penalty of twice the amount of the contribution, \$500. Respondents Wasden and Committee did not violate Art. 28 when the Committee accepted the corporate contribution and did not violate SOS Rule 4.10 when they failed to return a corporate contribution within 30 days of its receipt. The Committee violated Art 28 sec. 7 and FCPA sec. 1-45-108 (1) (a) (II) because it failed to disclose the employer of four individuals or couples who contributed \$100 or more; however, ALJ does not have authority under Art 28 or the FCPA to assess a penalty for the violation because Art 28 sec. 10(1) provides for penalties only for Art. 28 violations that relate to contribution or voluntary spending limits, and Art 28 sec. 10(2)(a) provides that penalties for violations of reporting requirements must be assessed by the "appropriate officer", who is the county clerk and recorder in this case.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
92.	7/20/04	7/22/04	Charles H. Bucknam	Eva Wilson, Eva Wilson for D.A. 2004, et al.	Alleged Campaign and Political Finance Violations	OS 2004-0010	7/26/04 – Notice of Hearing scheduled for August 3, 2004 @ 9:00 a.m. 9/7/04 – Agency Decision – Under Sec. 3(1)(b) a contributor could make and a district attorney candidate committee could accept a single \$400 contribution without dividing it into two separate contributions of \$200 and designating them as primary and general election contributions. At the time of the challenged contributions, the Secretary of State no longer interpreted Sec. 3(1)(b) to require two separate checks, even though the Secretary's rule requiring two separate checks (Rule 4.7) had not yet been repealed. Also, the contributions occurred after the passage of H.B. 04-1121, which allows a candidate committee to accept the aggregate contribution limit under Sec. 3(1) for a primary or a general election at any time and essentially to spend them anytime. The complaint is dismissed.
93.	7/20/04	7/23/04	The Colorado Republican Committee	Michael Merrifield, John Morris and Thomas Halfast	Alleged Campaign and Political Finance Violations	OS 2004-0011	8/28/04 – ALJ ordered consolidation of three cases involving M. Merrifield: Case Nos. OS 2004-0011, OS 2004-0012, and OS 2004-0013, pursuant to Rule 7 of Rules of Procedure of the Division of Administrative Hearings. The three cases were consolidated under Case No. OS 2004-0011. 9/16/04 – Final Agency Order and Order of Dismissal. Case dismissed without prejudice upon request of Complainant that its claims against all parties be dismissed without prejudice.
94.	7/20/04	7/23/04	The Colorado Republican Committee	Michael Merrifield, the Hillside Neighborhood Association	Alleged Campaign and Political Finance Violations	OS 2004-0012	8/28/04 – ALJ ordered consolidation of three cases involving M. Merrifield: Case Nos. OS 2004-0011, OS 2004-0012, and OS 2004-0013, pursuant to Rule 7 of Rules of Procedure of the Division of Administrative Hearings. The three cases were consolidated under Case No. OS 2004-0011. 9/16/04 – Final Agency Order and Order of Dismissal. Case dismissed without prejudice upon request of Complainant that its claims against all parties be dismissed without prejudice.
95.	7/20/04	7/23/04	The Colorado Republican Committee	Michael Merrifield	Alleged Campaign and Political Finance Violations	OS 2004-0013	8/28/04 – ALJ ordered consolidation of three cases involving M. Merrifield: Case Nos. OS 2004-0011, OS 2004-0012, and OS 2004-0013, pursuant to Rule 7 of Rules of Procedure of the Division of Administrative Hearings. The three cases were consolidated under Case No. OS 2004-0011. 9/16/04 – Final Agency Order and Order of Dismissal. Case dismissed without prejudice upon request of Complainant that its claims against all parties be dismissed without prejudice.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
96.	7/29/04	7/30/04	Maria Garcia Berry	Taxpayers Against Congestion	Alleged Campaign and Political Finance Violations	OS 2004-0014	8/16/04 – Notice of Hearing scheduled for 8/13/04 @ 9:00 a.m. 8/27/04 – Agency Decision: Committee violated 1-45-108(1)(a)(I) by failing to report any contributions and expenditures during a period in which it accepted the value of the cost of setting up its website and the cost of reproducing flyers. Committee ordered to pay a penalty of \$700.
97.	8/20/04	8/20/04	Committee to Election Jim Sullivan and Jim Sullivan (Appellants)	Charles Bucknam (Appellee)	Appeal regarding penalty imposed by Douglas County Clerk and Recorder against the Committee for violations of Colo. Const. Article XXVIII, sec. 7, and Section 1-45-108 (1)(a)(II) of the FCPA, Sections 1-45-101 et seq., in which Sullivan and the Committee sought an order from the Secretary of State or an ALJ setting aside or reducing the penalty imposed by the Douglas County Clerk and Recorder.	OS 2004-0015 (Related case OS 2004-0001)	9/9/04 – Hearing conducted before ALJ. 1/15/05 – Agency Decision: Appeal dismissed. Appellants filed appeal pursuant to Art. XXVIII, sec. 10(2)(b)(I) of a penalty imposed on the Committee by the Douglas County Clerk and Recorder. Section 10(2) of Article XXVIII permits persons required to file a report with the Secretary of State and upon whom a penalty has been imposed pursuant to Section 10(2) to file an appeal of the penalty with the Secretary of State. Because Appellants are not persons required to file a report with the Secretary of State, they are not authorized to file this Section 10(b)(1) penalty appeal with the Secretary of State and the ALJ lacks jurisdiction to consider the appeal. Consequently, this matter is dismissed for lack of subject matter jurisdiction. 3/2/05 – Received Notice of Appeal. Appellants are Jim Sullivan & Comm. To Elect. Jim Sullivan
98.	8/26/04	8/27/04	Robert H. Maddox	Combined Airports Now, LLC	Alleged Campaign and Political Finance Violations	OS 2004-0017	9/2/04 – Notice of Hearing scheduled for 9/8/04 @ 9:00 a.m.
99.	8/26/04	8/27/04	Noel West Lane III	Jean Kelly, Jefferson Cnty R-1 School Dist., Jefferson Cnty R-1 School Dist. Board of Dir., Foothills Park & Rec. Dist.	Alleged Campaign and Political Finance Violations	OS 2004-0016	9/2/04 – Notice of Hearing scheduled for 9/7/04 @ 9:00 a.m. 10/19/04 – Hearing was reset for 10/18/04, on 9/14/04 the School Resp filed a motion to Dismiss. – Agency Decision Granted Motion to Dismiss.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
100.	8/31/04	9/2/04	William Wimsatt	Jefferson Cnty Public Schools, District R-1 & Jefferson Cnty Board of Ed.	Alleged Campaign and Political Finance Violations, that School District spent public money and/or made contributions to urge persons to vote for two referred ballot measures in violation of Article XXVIII and Sec. 1-45-117 of FCPA	OS 2004-0018	9/9/04 – Notice of Hearing scheduled for 9/13/04 @ 9:00 a.m. 10/21/04 – Agency Decision: No violation of the FCPA or Art. 28. Expenditures by School District in preparing and posting “Call to Action” information on its web site <u>prior</u> to actual referral of ballot measures were not covered by FCPA, even though information was in part used to urge voters to support the anticipated ballot issues. Although issue committee supporting the ballot issues copied and used the District’s web site material, such use did not constitute a violation of the FCPA on the part of the District, which made no expenditures after the measures were referred by the District. Prior to referral of the ballot measures, District was not prohibited from communicating with public about its financial condition or attempting to gather support for additional financing measures. Thus, District did not expend public moneys or make contributions to urge persons to vote for referred measures in violation of Art. 28 or sec. 1-45-117 of FCPA.
101.	9/7/04	9/8/04	Charles H. Bucknam	Ted Harvey, Copic Political Committee, Committee to Elect Ted Harvey	Alleged Campaign and Political Finance Violations that Harvey and Harvey Committee accepted excess aggregate contributions in violation of XXVIII, Sec. (3)(1)(b) and violated Rule 4.9, and that COPIC exceeded contribution limits and failed to itemize contributions.	OS 2004-0019	9/15/04 – Notice of Hearing scheduled for 9/22/04 @ 9:00 a.m. 1/3/05 – Agency Decision: Harvey and Harvey Committee violated Sec. 3(1)(b) by accepting aggregate contribution from COPIC in excess of \$400 limit. ALJ lacks jurisdiction to determine whether Harvey and Harvey Committee violated Rule 4.10, concerning return of contributions when occupation and employer information is not provided, because ALJ lacks jurisdiction to determine violations of rules unrelated to statutory or constitutional provisions. COPIC violated Sec. 3(1)(b) by making excess contributions to Harvey and 7 other members of or candidates for General Assembly, but not with respect to 2 other committees. COPIC did not violate XXVIII or FCPA by accepting transfer from COPIC Ins. Co. and not itemizing that sum. Other allegations of Complainant are barred by Sec. 9(2)(a). Civil penalty of \$400 (twice the excess) is assessed against Harvey, for which he is personally liable. Civil penalty of \$3,200 (twice the excess contributions) is assessed against COPIC.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
102.	9/21/04	9/24/04	Rob Fairbank	Pete Mazula and Randal Atkinson	Alleged Campaign and Political Finance Violations	OS 2004-0022	9/28/04 – Notice of Hearing scheduled for 10/6/07 @ 9:00 am 11/30/04 – Agency Decision. Complaint dismissed. Complainant alleged that Defendant Mazula, a candidate for State House District 22, had accepted a contribution from a lobbyist, Defendant Atkinson, in violation of sec. 1-45-105.5. However, sec. 1-45-105.5 is not listed in Art. 28, sec. 9 (2), which establishes a complaint process for alleged violations of specified sections of Art. 28 and Art. 45 (FCPA). Furthermore, Section 1-45-105.5 does not appear as one of the violations for which a sanction may be imposed by “the appropriate officer” in Article 28, Sec. 10. Therefore, ALJ lacked jurisdiction to hear complaint.
103.	9/21/04	9/24/04	Taxpayers Against Congestion	Colo. Environmental Coalition, Denver Metro Chamber of Commerce, Metro Denver Economic Development Corporation a d/b/a of the Denver Metro Chamber of Commerce	Alleged Campaign and Political Finance Violations	OS 2004-0020	9/28/04 – Notice of Hearing scheduled for 10/4/04 @ 1:30 pm
104.	9/22/04	9/24/04	Pete Beverly and Heather Rae	Citizens for Sensible Energy Choices	Alleged Campaign and Political Finance Violations	OS 2004-0023	9/28/04 – Notice of Hearing scheduled for 10/7/04 @ 9:00 am 11-9-04-Agency Decision The ALJ found that the respondent did not violate Section 1-45-108 (a)(l) of the FCPA therefore complaint was dismissed.
105.	9/22/04	9/24/04	Taxpayers Against Congestion	RTD and FasTracks Yes	Alleged Campaign and Political Finance Violations	OS 2004-0021	9/28/04 – Notice of Hearing scheduled for 10/5/04 @ 9:00 am 11/8/04 – Final Agency Order and Order of Dismissal. On 11-3-4, Complainant filed a written request to withdraw complaint.
106.	10/6/04	10/06/04	Frank Grimaldi	Town of Mead, Colorado	Alleged Campaign and Political Finance Violations that Town violated 1-45-117 when mayor sent letter to voters regarding annexation election.	OS 2004-0024	10/15/04 – Notice of Hearing 10/19/04 @ 9:00 am 10/19/04 – Order Granting Motion to Continue, Prehearing Order and Notice of Continued Hearing, set for 11/18/04 11/16/04 – Order denying motion for summary judgment of the Town of Mead, Colorado and denying Complainants motion for summary judgment. 12/2/04 – Complaint dismissed. Section 1-45-117 prohibits public entities from spending public moneys in only 4 types of ballot issues. The Town's annexation election was not one of those types. Facts presented do not establish a violation over which ALJ has jurisdiction.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
107.	10/13/04	10/15/04	Frederick F. Reiter	Committee to Take Back Our Property Rights	Alleged Campaign and Political Finance Violations	OS 2004-0026	10/21/04 – Notice of Hearing, set for 10/26/04 @ 9:00 am
108.	10/14/04	10/15/04	Clay Vigoda	Coloradans for Responsible Reform	Alleged Campaign and Political Finance Violations	OS 2004-0025	10/21/04 – Notice of Hearing-set for 10/25/04 @ 9:00 am 12/10/04 – Final Agency Order and Order of Dismissal based on complainant filing a motion to dismiss on 12/9/04.
109.	10/14/04	10/15/04	Manolo González-Estay	Citizens for Sensible Energy Choices	Alleged Campaign and Political Finance Violations by failing to report non-monetary contributions from Xcel Energy, in the form of a newsletter Xcel sent to customers with their monthly utility bills	OS 2004-0027 Court of Appeals No. 05CA233	10/21/04 – Notice of Hearing, set for 10/28/04 @ 9:00 am 12/20/04 – Agency Decision: Complaint dismissed. Newsletter was prepared by Xcel in regular course and scope of its business and not at direction of Committee, and does not fall under definition of “contribution”. 2/1/05 – Petitioner’s Notice of Appeal filed with Colorado Court of Appeals. (Colorado Court of Appeals Case No. 05 CA 233)
110.	10/14/04	10/15/04	Lawrence Hunter	Senate Majority Fund LLC	Alleged Campaign and Political Finance Violations	OS 2004-0028	10/22/047 – Notice of Hearing, set for 10/25/04 @ 9:00 am
111.	10/15/04	10/18/04	André Vigil	Dennis Hisey	Alleged Campaign and Political Finance Violations by failing to: report name of contributor’s occupation and employer in instances when the contributor donated \$100 or more, report the status campaign loans; report accurate information about certain contributors and reimbursements, report non-monetary contributions and the value of the costs associated with setting up and maintaining a campaign website, and file a report with the Secretary of State for a \$1000 contribution received thirty days before the general election.	OS 2004-0029	10/22/04 – Notice of Hearing, set for 11/2/04 @ 9:00 am. 11/16/04 – Agency decision: Complaint’s allegations relating to 10/29/03 report are dismissed because they occurred more than 180 days prior to the filing of the complaint. Allegations relating to candidate affidavit and committee registration are dismissed because ALJ has no jurisdiction over claims arising under 1-45-110. Respondent violated 1-45-108 (1)(a) with regard to the reporting requirements for \$100 contributions in three reports; no sanction is warranted because Respondent acted in good faith and corrected the violation promptly after deficiencies were called to his attention. Respondent violated 1-45-108 (2.5) by failing to report a \$1,000 contribution within 24 hours; ALJ imposes penalty of \$500. Respondent violated FCPA by not reporting value of cost of setting up and maintaining its website; no sanction is warranted because there was no evidence regarding when the website was set up, when the Committee starting using the website, and the value of the costs associated with establishing and maintaining the website.
112.	10/20/04	10/22/04	Denise Mund	Reasonable Policy for Arvada	Alleged Campaign and Political Finance Violation	OS 2004-0030	11/1/04 – Notice of Hearing, set for 11/8/04 @ 9:00 am 12/23/04 – Complaint dismissed. At date and time of hearing, no one appeared on behalf of Complainant or Respondents. Complainant did not meet burden of proof.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
113.	10/26/04	10/27/04	Douglas Bruce	School District 11 Superintendent Norman Ridder, Glenn Gustafson, Frank Bernhard, and Does I-XII.	Alleged Campaign and Political Finance Violation	OS 2004-0031	11/1/04 – Notice of Hearing, set for 11/12/04 @ 9:00 am 3/9/05 – Agency Decision Dismissing Complaint With Prejudice And Imposing Attorney Fees: Complaint dismissed pursuant to C.R.C.P. 37(b)(2)(C) as sanction for Complainant's refusal to comply with discovery requests of Defendants and orders of ALJ. ALJ orders Complainant to pay Defendants \$1,000 for their attorney fees as additional sanction pursuant to C.R.C.P. 37(b) and section 24-4-105(4), C.R.S., plus all costs and attorney fees related to enforcement and collection of the \$1,000 sanction.
114.	10/27/04	11/1/04	Committee to Elect Jerry Mallett	Committee to Elect Frank McMurry	Alleged Campaign and Political Finance Violation	OS 2004-0032	11/8/04 – Notice of Hearing, set for 11/10/04 @ 9:00 am 11/15/04 – Agency Decision Dismissing Complaint
115.	10/29/04	11/1/04	Boulder County Firefighters PAC	Jason Michael Bowen, David Christenson, Adam Fedor, and Others Unknown	Alleged Campaign and Political Finance Violation	OS 2004-0033	11/8/04 – Notice of Hearing, set for 11/10/04 @ 9:00 am 11/15/04 – Final Agency Order and Order of Dismissal
116.	10/29/04	11/1/04	Roger Hoffmann	Committee to Elect Glenn Gibson	Alleged Campaign and Political Finance Violation	OS 2004-0034	11/8/04 – Notice of Hearing, set for 11/12/04 @ 1:00 pm 11/16/04 – Order of Dismissal and agency decision
117.	11/17/04	11/19/04	Charles Bucknam	Tom Wiens, Mike May, James R. Sullivan, Copic Political Committee, et al.	Alleged Campaign and Political Finance Violation	OS 2004-0035	11/24/04 – Notice of Hearing 12/2/04 @ 9:00 am 3/11/05- Sullivan violated Section 1-45-108(1)(a)(I), C.R.S. (2003) because he failed to report expenditures as required. A penalty of 1575.00 was imposed, all other allegations were unfounded.
118.	1/5/05	1/10/05	Manolo Gonzales-Estay	Excel Energy Corporation	Alleged Campaign and Political Finance violations by failing to disclose costs of customer newsletters urging defeat of Amendment 37	OS 2005-0001 Court of Appeals No. 05CA1740	1/18/05 – Notice of Hearing 1/24/05 @ 9:00 am 7/15/05 – Agency Decision. Complaint dismissed. Xcel did not violate FCPA or Article XXVIII. Xcel Energy did not meet the first definition of an “issue committee” because it did not have a major purpose of supporting or opposing a ballot issue or question. Its newsletters were not a “contribution” as defined in XXVIII, sec. 2(5)(a). The newsletters were not an “expenditure” as defined in XXVIII, sec. 2(8) because they were communications made in the regular course and scope of Xcel's business. 8/16/05 – Notice of Appeal filed with Court of Appeals, Case No. 05CA1740
119.	2/4/05	2/8/05	Donna Cuddy	Public Education Committee	Alleged Campaign and Political Finance violations by failing to report expenditures in accordance with 1-45- 108(1)(a)(I).	OS 2005-0002	1/16/05 – Notice of Hearing 2/18/05 @ 9:00 am 3/18/05 – Final Agency Order and Order of Dismissal: Based on stipulated dismissal, complaint is dismissed with prejudiced, hearing scheduled for 3/21/05 is vacated, and Public Education Committee ordered to pay a penalty of \$10,000 to Secretary of State within 10 days.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
120.	2/22/05	2/23/05	Wayne Rutt &Paul Marrick	Poudre Education Association, Colorado Education Association, and Poudre School District	Alleged Campaign and Political Finance violations by PEA by coordinating its electioneering activities with Bob Bacon campaign, compensating its volunteers for their efforts on behalf of Bacon campaign, illegally causing public facilities and resources to be used for partisan politics, and illegally engaging in express advocacy supporting election of Bacon.	OS 2005-0003	<p>3/3/05 – Notice of Hearing 3/7/05 @ 9:00 am</p> <p>4/13/05 – SOS rcvd additional information amending complaint and Motion to Join Additional Defendants, forwarded to ALJ's office 4/15/05.</p> <p>6/29/05 – Agency Decision. Motion to exclude evidence gathered by complainants from trash dumpster is denied. PEA, CEA, and PSD did not violate FCPA or Article XXVIII. Complaint dismissed.</p> <p>Complainants did not establish by preponderance of evidence that PEA contributed to Bacon campaign or engaged in express advocacy in violation of XXVIII, sec. 3(4)(a), that CEA contributed to Bacon campaign in violation of XXVIII, sec. 3(4)(a), or that PSD contributed to Bacon campaign in violation of sec. 1-45-117.</p> <p>Complainants did not establish coordination between the associations and Bacon campaign by preponderance of the evidence. PEA and CEA did not coordinate their volunteer recruitment activities with Bacon campaign. PEA and CEA staff services provided to members cannot be considered contributions regardless whether they provided value to Bacon campaign. PEA and CEA payment of compensation to staff and cost of certain expenses were not payments made to third parties on behalf of Bacon. Communications made by PEA and CEA to nonmembers were reportable as electioneering communications if the cost exceeded \$1,000, but there was no evidence that more than \$1,000 was expended. Postcards sent by PEA were reportable as independent expenditure if the cost exceeded \$1,000, but there was insufficient evidence that PEA or CEA paid for post cards or cost exceeded \$1,000. PSD did not violate 1-45-117 because, although PEA members used PSD facilities to support Bacon campaign, PSD took reasonable steps to prevent such activities.</p> <p>7/14/05 – ALJ granted motion to correct clerical mistake in 6/29 Agency Decision and issued Corrected Agency Decision.</p>

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
121.	3/28/05	3/31/05	Leland Gilbert	Alliance for Colorado Families	Alleged Campaign and Political Finance violations by political committee's accepting 32 contributions in excess of \$500 per House of Representatives cycle in violation of XXVIII, sec. 3(5).	OS 2005-0006 Court of Appeals No. 05CA2137	4/8/05 – Notice of Hearing 4/15/05 @ 9:00 am 7/5/05 – ALJ issued Order Granting Summary Judgment as to Liability without a hearing, following prehearing conferences and motions for summary judgment. ALJ found that Alliance for Colorado Families (ACF) violated XXVIII, sec. 3(5). 8/30/05 – Hearing held by ALJ on issue of liability. 9/6/05 – Agency Decision. ACF became a political committee when it made an expenditure of \$18,000 for an advertisement in opposition to one candidate and in support of his opponent. All of the contributions that it accepted in excess of \$500 were made prior to that date. However, once an organization becomes a political committee, it is subject to the \$500 contribution limit for the entire House of Representatives cycle; the \$500 limit applies retroactively to contributions already received during the cycle. Pursuant to Sections 9(2)(a) and 10(1), the ALJ imposes a penalty of \$36,000, which is twice the amount of the expenditure. 10/21/05 – Complainant filed Notice of Cross Appeal with Court of Appeals
122.	3/29/05	3/31/05	Harold L. Wiesberg	Fred Neal, Carol Buhr, & Earl Scopel	Alleged Campaign and Political Finance violations by recall committee's failure to register on time and failure to report the cost of certain flyers printed by another group, the rental value of the use of school, and the value of legal advice received.	OS 2005-0005	4/8/05 – Notice of Hearing 4/13/05 @ 9:00 am 4/18/05 – Rcvd Carol Buhr's copy of the complaint by US mail due to "Not Deliverable", forwarded info. to ALJ's office on 4/22/05. 4/26/05 – Agency Decision. Complaint dismissed. During the time period relevant to the complaint, respondents met neither prong of the definition of "issue committee" in XXVIII, sec. 2(10)(a) during the time period at issue. Therefore, no violations of requirements for an issue committee to register or to report were established. Recall committee did not make expenditures or accept expenditures in relation to certain flyers of another group, the use of the school, or the receipt of legal advice.
123.	4/5/05	4/7/05	Justus Reed Drake and Joe Hall	Dewey Shanks, Norman D. Pritchard, Richard H. Clark and a committee to recall David Habecker	Alleged Campaign and Political Finance violations by failing to register appropriate officer, failing to provide a registered agent, and failing to file a Disclosure Report.	OS 2005-0008	4/12/05 – Rcvd all respondent's copies of complaint back by US mail due to "No Mail Receptacle", forwarded info. to ALJ's office on 4/15/05. 4/14/05 – Notice of Hearing –4/20/05 @ 9:00 am 4/25/05 – Agency Decision dismissing complaint-Complainants failed to establish violations.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
124.	4/5/05	4/7/05	Justus Reed Drake and Joe Hall	Estes Park Citizens for Representative Government, Maureen "dee" Pritchard, et al.	Alleged Campaign and Political Finance violations by recall committee failing to register with the appropriate officer, failing to provide a registered agent, failing to file Disclosure Reports.	OS 2005-0007	4/15/05 – Notice of Hearing 4/21/05 @ 9:00 am 7/20/05 – Agency Decision. At the hearing, ALJ granted motion to dismiss individual respondents, since allegations were only against the Committee. The ALJ finds that the Committee is an issue committee, not a political committee, since its purpose was to recall a local elected official, not nominate or elect a candidate. The Committee was required to file its committee registration within 10 business days of receiving its first contribution, which was a loan, and it was required to file its first report of contributions and expenditures within 15 days after it was required to file its registration, not 15 days after it actually filed its registration. The Committee violated § 1- 45-108 (6) by filing its registration 21 days late and by filing its first report 6 days late. The ALJ reduces the daily penalty from \$50 to \$10 per day for good cause shown, and imposes a total fine of \$270, which is 21 days X \$10 plus 6 days X \$10. 8/1/05 – Check for \$270 received by Secretary of State from Maureen Pritchard.
125.	4/19/05	4/21/05	Kent Lambert	AndrewRomanoff .com, Committee to Elect Lois Tochtrop and Alice Madden for House District 10	Alleged Campaign and Political Finance violations by the various candidate committees re: amounts spent and for what purposes funds were spent.	OS 2005-0010	5/9/05 – Rcvd Notice of Hearing, set for 5-16-05 @ 9:00 a.m. 8/2/05 – Complaint dismissed with prejudice by ALJ upon Motion to Dismiss filed by Complainant through counsel on 8/1/05.
126.	4/27/05	4/27/05	Stephen Fish	The Daily Sentinel, Pete Hautzinger, and William H. Kain.	Alleged Campaign and Political Finance violations by Kain in connection with ads published by an unregistered committee.	OS 2005- 0009	5/9/05 – Rcvd Notice of Hearing, set for 5-12-05 @ 9:00 am 5/31/05 – Rcvd notice via email that Judge Norcross severed Case No. OS 2005-009 into 2 separate cases. Fish v. William Kain (OS 2005-0009) & Fish v. the Daily Sentinel & Hautzinger (OS 2005-0012).
127.	5/27/05	5/31/05	David Harwood	Parents Alliance for Choice in Education (Choice) and Parents Alliance for Reform in Education ("Reform")	Alleged Campaign and Political Finance violations by failing to disclose expenditures to the Sec. Of State.	OS 2005-0014	6/10/05 – Rcvd Notice of Hearing, set for 6/13/05 @ 9:00 am

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
128.	5/27/05	5/31/05	David Harwood	Senate Majority Fund LLC ("Senate LLC")	Alleged Campaign and Political Finance violations (1) by failing to disclose to the SOS phone surveys that qualify as electioneering communications violated reporting requirements (2) failing to specify the amounts spent on mailings, radio and website for each candidate violated reporting requirements (3) failure to correctly report specific expenditures as a political Committees contribution s or independent expenditures.	OS 2005-0013 Court of Appeals No. 05CA1925	6/8/05 – Rcvd Notice of Hearing, set for 6/8/05 @ 9:00 am (subsequently rescheduled for 7/7/05). 7/28/05 – Agency Decision. Prior to hearing, Complainant moved, without objection, to dismiss 2 nd and 3 ^d claims, which ALJ granted. Remaining claim was that was that Senate Majority Fund (SMF) failed to disclose as electioneering communications telephone surveys/polls dealing with candidates for state legislative office that were paid for by SMF. The telephone polls met the general definition of "electioneering communication" in XXVIII, 2(7)(a), but, under the facts of this case, they were excluded from the definition by sec. 2(7)(b) because they were "made in the regular course and scope" of the SMF's business. Therefore, SMF did not violate XXVIII or FCPA with respect to the telephone polls.
129.	5/27/05	5/31/05	Patrice Hauptman	All Children Matter-Colorado ("ACM"), House Majority Fund LLC ("House LLC") or House Majority Fund PAC (House PAC")	Alleged Campaign and Political Finance violations by (1) ACM filing a false report, overstating its expenditure total (2) ACM filed its post-election report after the deadline date.	OS 2005-0015	6/10/05 – Rcvd Notice of Hearing, set for 6/13/05 @ 1:30 pm 9/7/05 – Complaint dismissed by ALJ upon Complainant's Motion to Voluntarily Dismiss all Claims.
130.	5/27/05	5/31/05	Patrice Hauptman	Straight Talk Colorado ("STC")	Alleged Campaign and Political Finance violations by (1) failure to report amounts spent on electioneering communications	OS 2005-0017	6/9/05 – Rcvd Notice of Hearing, set for 6/15/05 @ 9:00 am 6/14/05 – Complaint dismissed by ALJ upon Complainant's Motion to Voluntarily Dismiss Claims.
131.	5/27/05	5/31/05	Patrice Hauptman	Americans for Better Government LLC, d/b/a Americans for Better Government ("ABG")	Alleged Campaign and Political Finance violations by (1) Failure to report amounts spent for electioneering disclosure reports to the SOS	OS 2005-0016	6/9/05 – Rcvd Notice of Hearing, set for 6/14/05 @ 9:00 am 8/15/05 – Complaint dismissed with prejudice by ALJ upon Complainant's Motion to Voluntarily Dismiss Claims filed by Complainant through counsel on 8/15/05.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
132.	5/31/05	4/27/05	Stephen Fish	Daily Sentinel and Pete Hautzinger	Alleged Campaign and Political Finance violations (1) by newspaper for charging lower advertising rates to Republicans than to other candidates running for same office, (2) by Hautzinger for ads published by his committee containing false and libelous accusations against the Petitioner	OS 2005-0012	5/31/05 – Rcvd notice via email that Judge Norcross severed Case No. OS 2005-009 into 2 separate cases. Fish v. William Kain (OS 2005-0009) & Fish v. the Daily Sentinel & Hautzinger (OS 2005-0012). 6/14/05 – Hautzinger's Motion to Dismiss Complaint #2 granted by ALJ. ALJ orders Hautzinger's name removed from caption of case. Complainant argued that Hautzinger violated section 1-13-109, which prohibits false statements about candidates; however, ALJ does not have jurisdiction over complaints arising under section 1-13-109, which must be filed with district attorney. 7/18/05 – Agency decision. Complaint against Daily Sentinel dismissed with prejudice with consent of Complainant pursuant to mediation conference held on 6/29/05.
133.	6/24/05	6/28/05	Ross G Kaminsky	Holtzman for Governor Exploratory Committee	Alleged Campaign and Political Finance violations by failing to report employer or occupations by donors	OS 2005-0018	7/13/05 – ALJ dismissed case on the written withdrawal of complaint filed by Ross G. Kaminsky
134.	6/29/05	7/1/05	Charles Bucknam	Rep. Mike May, Arch Coal Inc, Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. State PAC, et. al	Alleged Campaign and Political Finance violations by Greenberg, accepting contribution to a political committee in excess of \$500 & failure to register political committee, Arch for making a corp. contribution & failure to register political committee and filing reports, May failure to register political committee and filing periodic report.	OS 2005-0019	7/13/05 – Rcvd Motion to Continue Hearing Date to 9/29/05, due to Arch Coal Inc. receiving Notice of Hearing 3 days prior to set hearing in 7/15/05. 9/23/05 – Agency Decision. At the hearing, ALJ granted Arch Coal's motion to dismiss on the basis that complaint is against Arch Coal Candidate Committee instead of respondent Arch Coal, Inc. Greenberg Traurig PAC is a federal political committee and subject to higher contribution limits than state law, and therefore it did not violate the \$500 contribution limit in Art. 28, Sec. 3(5). Complainant failed to establish that Greenberg Traurig PAC violated 1-45-108 (1)(a)(I) or (3) by not registering as a political committee or filing reports of expenditures. Representative May failed to comply with reporting requirements of 1-45-108 (1)(a)(II) by not disclosing the employer of one of his \$100 contributors. ALJ concludes that a \$50 per day fine under Section 10(2)(a) from the date of the report to the date of the corrected filing (60 days) would be excessive under the facts of this case. Instead, ALJ finds that a civil penalty of twice the \$100 contribution under Section 10(1) is more appropriate and therefore imposes a penalty of \$200.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
135.	8/4/05	8/5/05	Richard Evans	The Independence Institute and Vote No; It's Your Dough	Alleged Campaign and Political Finance violations by The Independence Institute by failing to register as an issue committee with the SOS and to file a report with the SOS listing contributions and expenditures, and by Vote No; It's Your Dough for failing to include in disclosure with the SOS the value of Institute's contributions at campaign events.	OS 2005-0020	Hearing date originally set for 8/15/05 and later rescheduled; hearing held on 10/12/05). Note: On 10/11/05, Denver District Court denied motion of Independence Institute to stay administrative proceedings in <i>Independence Institute v. Richard Evans and Gigi Dennis</i> , Case No. 05CV7604. 11/4/05 – Agency Decision. The Institute is not an “issue committee” as defined in XXVIII and Rule 1.6 b because the weight of the evidence does not establish that opposing Referenda C and D was a major purpose of the Institute and because, even if opposing Referenda C and D became a major purpose of the Institute, the ALJ declines to expand the definition of issue committee to include the Institute based on the Colorado Supreme Court’s analysis in <i>Common Sense Alliance v. Davidson</i> , 995 P.2d 748, 753 (Colo. 2000). Therefore, the Institute did not violate the law by failing to register and report as an issue committee. Three radio ads produced and aired by the Institute were not “contributions” to Vote No as defined in XXVIII, sec. 2(5)(a), even though Vote No used the ads, since there was no evidence that the Institute donated or gifted the ads to Vote No. Therefore, Complainant failed to establish by a preponderance of the evidence that Vote No violated the FCPA by failing to disclose contributions it received from the Institute.

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
136.	8/04/05	8/05/05	Marian L. Olson	City of Golden, The Golden city Council	Alleged Campaign and Political Finance violations by City of Golden by not following Article XXVIII for the November 2005 election	OS 2005-0021	Hearing set for 8/19/05 at 9:00 a.m. 8/19/05 – ALJ orally granted respondents' motion to dismiss. In response to respondents' request for an award of attorney fees, ALJ allowed respondents 10 days to file motion and Complainant 5 days to file a response. ALJ will issue written ruling 15 days thereafter. 9/12/05 – Agency Decision Dismissing Complaint. The dispute between the parties is apparently whether the provisions of Article XXVIII or the FCPA apply to home rule cities such as Golden. In its motion to dismiss, Defendants assert that the provisions do not apply in the case of elections regarding city offices and local ballot issues, relying on Section 1-45-116, C.R.S. and an opinion of the Attorney General, Op. Att'y Gen. No. 03-1 (2003). The Defendants viewed the complaint as requiring a review of the constitutionality of the Uniform Election Code of 1992, Section 1-1-101, C.R.S. and the FCPA, Section 1-45-101, C.R.S. Defendants argued that the ALJ, sitting on behalf of the Secretary of State, could not declare unconstitutional the Secretary of State's enabling legislation at Section 1-45-116, C.R.S. However, ALJ finds that, whatever the merits of such argument, the complaint is premature; ALJs, like courts, should not give advisory rulings. The complaint does not allege a specific instance of a violation of XXVIII or the FCPA. Since there is not yet an actual case or controversy, the ALJ granted the Defendants' motion to dismiss at the hearing. The ALJ also granted permission for Defendants to file a request for attorney fees, which they did on 9/1/05, seeking \$2,659.50 in attorney fees. After considering the authority in sec. 1-45-111.5 as amended in 2005, to award attorney fees when an action is brought without "substantial justification", the ALJ declines to award attorney fees, noting that the complainant is not an attorney and that "there is insufficient basis to ascribe to Complainant the level of sophistication that would warrant the potential chilling of the complaint process by the imposition of attorney fees."

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
137.	8/22/05	8/23/05	Richard Evans	Colorado FreedomWorks, FreedomWorks, Inc., and Colorado Club for Growth	Alleged Campaign and Political Finance violations by Colorado FreedomWorks for failing to register as an issue committee with the SOS and by Colo. FreedomWorks, FreedomWorks Inc and Colorado Club for Growth for failing to file contribution and expenditure reports.	OS 2005-0022	8/29/05 – Hearing set for 9/1/05 @ 9:00 am
138.	8/29/05	8/30/05	Joe Stengel	Buffie McFadyen	Alleged Campaign and Political Finance violations by misusing state funds for campaign purposes under C.R.S. 1-45-117.	OS 2005-0023	9/6/05 – Hearing set for 9/12/05 @ 9:00 am
139.	10/11/05	10/13/05	William C. Cisney	Marty Brzecezk and Doug Clark	Alleged Campaign and Political Finance violations by city council candidates for distributing a publication not properly identified as paid political advertising	OS 2005-0024	10/21/05 – Hearing set for 10/27/05 @ 9:00 am 10/28/05 – Complaint dismissed by ALJ after hearing. Due to confusion surrounding identity of proper respondents and lack of notice to intended respondents, Complainant agreed to voluntarily withdraw the complaint. Complainant will re-file a new complaint clearly specifying the proper respondents and indicating which provisions of FCPA and Article XXVIII have been violated.
140.	10/20/05	10/21/05	Tom Janich	Dick McLean, American Dream Home Realty Inc., Glover Pipe Line Inc. & Don Stephens Construction Company	Alleged Campaign and Political Finance violations by accepting contributions from corporations.	OS 2005-0025	10/28/05 – Hearing set for 11/4/05 @ 9:00 am
141.	10/20/05	10/24/05	Lakewood T Party	Mayor Steve Burkholder, City Manager Mike Rock, and Councilman Bob Murphy	Alleged Campaign and Political Finance violations of C.R.S. 1-45-117 by mayor, city manager, and councilman for spending taxpayer dollars to support sales tax increase on November ballot.	OS 2005-0026	10/28/05 – Hearing set for 11/7/05 @ 9:00 am
142.	10/26/05	10/28/05	Joseph Henjum	Unknown Entities, John Does 1 and 2	Alleged Campaign and Political Finance violation by failing to register as political committees and failing to file reports with the SOS.		

	SOS FILING DATE	ALJ FILING DATE	COMPLAIN- ANT	RESPONDENT	SUBJECT	CASE NUMBER/ STATUS	DISPOSITION
143.	10/28/05	10/28/05	Lane Mills	Community Options Inc.	Alleged Campaign and Political Finance violation of C.R.S. 1-45-117 by a community centered board for expending public funds to transport clients to participate in a demonstration in support of a ballot issue.		